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**BEFORE THE  
DIVISION OF RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2073

PARKER TIMOTHY BAILEY, RCP  
15114 Monterey Avenue  
Chino Hills, California 91709

**A C C U S A T I O N**

Respiratory Care Practitioner  
License Number 5730,

Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board).
2. On or about June 28, 1985, the Board issued Respiratory Care Practitioner License Number 5730 to Parker Timothy Bailey (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2007, unless renewed.

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3. This Accusation is brought before the Board under the authority of the

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1 any provision of Division 2 (commencing with Section 500), or violating, or  
2 attempting to violate, directly or indirectly, or assisting in or abetting the violation  
3 of, or conspiring to violate any provision or term of this chapter or of any  
4 provision of Division 2 (commencing with Section 500) . . . .”

5 8. Section 3750.5 of the Code states in pertinent part:

6 “In addition to any other grounds specified in this chapter, the board may  
7 deny, suspend, or revoke the license of any applicant or license holder who has  
8 done any of the following:

9 “(a) Obtained or possessed in violation of law, . . . ., any controlled  
10 substances as defined in Division 10 (commencing with Section 11000) of the  
11 Health and Safety Code. . . .”

12 “(b) Used any controlled substance as defined in Division 10  
13 (commencing with Section 11000) of the Health and Safety Code. . . .”

14 9. Health and Safety Code section 11055 states in pertinent part, as follows:

15 “(a) The controlled substances listed in this section are included in Schedule II.

16 ...

17 “(b)(1)(M) Morphine.

18 ...

19 “(c)(8) Fentanyl.”

20 10. Government Code section 11529, subdivision (a) states:

21 “The administrative law judge of the Medical Quality Hearing Panel  
22 established pursuant to section 11371 may issue an interim order suspending a license, or  
23 imposing drug testing, continuing education, supervision of procedures, or other license  
24 restrictions. Interim orders may be issued only if the affidavits in support of the petition show  
25 that the licensee has engaged in, or is about to engage in, acts or omissions constituting a  
26 violation of the Medical Practice Act or the appropriate practice act governing each allied health  
27 professions, or is unable to practice safely due to a mental or physical condition, and that  
28 permitting the licensee to continue to engage in the profession for which the license was issued

1 will endanger the public health, safety, or welfare.”

2 COST RECOVERY

3 11. Section 3753.1, subdivision (a) of the Code states:

4 “An administrative disciplinary decision imposing terms of  
5 probation may include, among other things, a requirement that the  
6 licensee-probationer pay the monetary costs associated with monitoring the  
7 probation.”

8 12. Section 3753.5, subdivision (a) of the Code states:

9 “In any order issued in resolution of a disciplinary proceeding  
10 before the board, the board or the administrative law judge may direct any  
11 practitioner or applicant found to have committed a violation or violations of law  
12 to pay to the board a sum not to exceed the costs of the investigation and  
13 prosecution of the case.”

14 13. Section 3753.7 of the Code states:

15 “For purposes of the Respiratory Care Practice Act, costs of  
16 prosecution shall include attorney general or other prosecuting attorney fees,  
17 expert witness fees, and other administrative, filing, and service fees.”

18 CONTROLLED SUBSTANCES

19 14. Morphine and Fentanyl are Schedule II controlled substances pursuant to  
20 Health and Safety Code section 11055.

21 FIRST CAUSE FOR DISCIPLINE

22 (Use of a Controlled Substance)

23 15. Complainant hereby incorporates by reference Paragraphs 1 through 14 as  
24 if each were fully set forth herein.

25 16. Respondent is subject to disciplinary action under Sections 3750,  
26 subdivision (g) and 3750.5, subdivisions (a) and (b) of the Code, in that he used the controlled  
27 substances Morphine and Fentanyl. The facts and circumstances are as follows:

28 A. From March 2006 to April 4, 2007, Respondent was employed by

1 Presbyterian Intercommunity Hospital (PIH) in Whittier California.

2 B. Before March 2007, Respondent's coworkers became aware that  
3 controlled substances were missing, empty syringes were found in Respondent's  
4 work space and that he was increasingly abrupt and hostile with coworkers, was  
5 rude and "hyper", was engaging in erratic behavior, and otherwise seemed  
6 impaired.

7 C. On or about March 8, 2007, Respondent was referred to coworkers,  
8 who interviewed him with his permission. At this interview, Respondent  
9 admitted that he had taken controlled substances including Morphine and Fentanyl  
10 from their employer, PIH, and that he had been under the influence of these drugs  
11 while working, thus placing patient health and safety at risk. Thereafter,  
12 Respondent was suspended from work and was told that: "He would not be going  
13 back into any area with controlled medications - especially surgery".

14 D. In a declaration signed under penalty of perjury on March 14, 2007,  
15 Respondent made the following admissions:

16 "Beginning 9-12 months ago I would take an occasional Morphine syringe  
17 (1-2/wk) [sic] from the anesthesiologist drug boxes refilling the syringe with  
18 saline & returning the syringe. This progressed over a few months to 1 or 2/day  
19 including an occasional Demerol syringe. In December 2006, I became extremely  
20 depressed. I was having trouble with my children, my ex-wife, my boss, and then  
21 my girlfriend of 4 yrs [sic] broke up with me. My friends at work told me to go to  
22 my doctor for severe depression but I instead continued to "self-medicate". This  
23 continued through Feb [sic] 2007. At the beginning of March I stole 2 Fentanyl  
24 vials. I was approached on March 8 and confronted with the possibility of using  
25 drugs by the Director of Surgery & the V.P. of the hospital. I admitted to them  
26 that I had taken drugs & I immediately admitted myself to Charter Oak Rehab  
27 [sic] for detox [sic] & counseling. I was released from the hospital on March 12  
28 and began out-patient treatment that day. This is an intensive in-patient/outpatient

1 chemical dependency program. Mon-Thur [sic] 6:00 p.m. - 9:00 p.m. for 32  
2 sessions. I have only been attending for 1 week but I feel I have made a very  
3 positive progression towards my recovery. I am completely detoxed [sic] from the  
4 drugs. I have never done anything like this in my 26 yrs [sic] as a Respiratory  
5 Therapist and will never do anything like this again. I am being treated for my  
6 depression and I look forward to returning to work. I am embarrassed, ashamed  
7 and the guilt had been overwhelming. But I have thrown those feelings away and  
8 I am very motivated and dedicated to my recovery and my returning to work. If  
9 you have any questions regarding my outpatient treatment please feel free to call  
10 my counselor....”

11 E. On April 1, 2007, an anesthesia assistant at PHI, observed  
12 Respondent, dressed in scrubs, in the surgical area of PIH. On April 4, 2007,  
13 Respondent was terminated from PIH.

#### 14 SECOND CAUSE FOR DISCIPLINE

15 (Use and/or Possession of Drugs in a Manner Dangerous to the Public)

16 17. Complainant hereby incorporates by reference Paragraphs 1 through 14  
17 and Paragraph 16, subsections A through E as if each were fully set forth herein.

18 18. Respondent is subject to disciplinary action under sections 2239,  
19 subdivision (a); 3750, subdivision (g); and 3750.5, subdivisions (a) and (b) of the Code, in that  
20 he used and/or possessed controlled substances in such a manner as to be dangerous or injurious  
21 to himself and/or to the public.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Revoking or suspending Respiratory Care Practitioner License Number 5730, issued to Parker Timothy Bailey;
2. Ordering him to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 23, 2007

Original signed by Liane Zimmerman for:  
STÉPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant